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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,610	11/24/2000	Mohamed Khaled Mohamed El Hatw		1640

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Mohamed Khaled Mohamed El Hatw
52 Tayaran Street - Nasr City
Cairo,
EGYPT

EXAMINER

SZMAL, BRIAN SCOTT

ART UNIT	PAPER NUMBER
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3736

16

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/721,610

Applicant(s)

EL HATW, MOHAMED KHALED
MOHAMED

Examiner

Brian Szmaj

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amendment filed on February 10, 2004 contained additions to Claims 1-3, which constitute new matter. These additions either broadened the scope of the claim from the previous version of the claim, or added matter that was not disclosed in or supported by the specification. The Examiner has written a set of proposed claims, as can be seen below, that are allowable over the prior art. In order to overcome this rejection, the Applicant should submit the below proposed claims, typed in exactly the same manner, in an amendment in response to this rejection.

Allowable Subject Matter

3. The following claims 1-3 are drafted by the examiner and considered to distinguish patentably over the art of record in this application, Claims 1-3 are presented to applicant for consideration:

1. (amended) A diagnostic cylindrical ~~or any other longitudinal~~ probe introduced through the body surfaces to the target tissue ~~through a hollow cylindrical or any other longitudinal metal sheath to identify the tissue type and predict the nature of its pathology for an anomalous tissue before actual cutting of the biopsy by detecting~~ detect the mechanical resistance of the tissues tissue to piercing, ~~by having an electrical circuit composed of~~ comprising:

a cylindrical probe body;

a compressible sharp pointed piercing tip ~~fixed to the~~ having a base mounted at a distal end of the cylindrical probe body through a coiled wire sliding over the surface of an inbuilt changeable electrical resistance ~~as well as~~ and over a metal blade ~~or any other electrically conductive surface;~~

a first wire connecting the metal blade to an electrical source, the first wire passing through the body of the probe;

~~a. running inside the body of the probe,~~

~~b. integrated into but electrically isolated from the wall of the body of the probe or~~

~~c. running along the outer surface of the probe with a groove or tunnel at the corresponding part facing the wire in the metal sheath or~~

~~d. any other means to connect the electrical signal~~

a second wire connecting the electrical resistance to the electrical source, the second wire passing through the body of the probe;

~~a. running inside the body of the probe,~~

~~b. integrated into but electrically isolated from the wall of the body~~
~~of the probe or~~

~~c. running along the outer surface of the probe with a groove~~
~~or tunnel at the corresponding part facing the wire in the metal~~
~~sheath or~~

~~d. any other mean to connect the electrical signal along the body of~~
~~the probe.~~

~~connecting one terminal of the resistance to an electrical source.~~

wherein the electrical source is located at the handle of the probe or separately
outside the probe; and

a monitor comprising an Ammeter or Voltmeter to detect the electrical current
intensity or voltage with the ability to add ~~possibility of adding~~ a registering unit ~~on~~ using
~~sensitive or ordinary paper~~ to monitor and record the electrical resistance, and
~~connecting the electrical source to the metal blade, so that,~~ wherein the nature of the
target tissue is detected by changing the mechanical resistance faced by the tip of the
probe during its passage in the target tissues into a change in the electrical resistance
or any other detectable signal.

~~followed by replacement of the probe with a grooved biopsy needle or any other tissue~~
~~cutting instrument of identical size and length through the same metal sheath to cut the~~
~~target tissue for biopsy without the need to introduce through a different orifice.~~

2. (amended) The A diagnostic cylindrical probe introduced through the body to detect the electrical resistance of the target tissue comprising:

~~according to claim 1 has said a pointed~~ piercing tip ~~containing including two~~ 2 electrically isolated electrodes connected to an electrical circuit to detect the electrical resistance of the tissues tissue to passage of an electrical current₁; ~~composed of~~

a first wire running inside the body of the probe with one of its terminals at the tip of the probe and the other terminal connected to an electrical source₁;

the electrical source is located ~~at the handle of the probe or separately outside~~ the probe;

an Ammeter or Voltmeter to detect the electrical current intensity or voltage with possibility of adding a registering unit on sensitive paper₁ and

a second wire running inside the body of the probe with one end connected to the electrical source & and the other end is located at the tip of the probe near the end of the said first wire₁

~~so that~~

wherein the nature of the target tissue is detected by monitoring the electrical resistance exerted by the tissue surrounding the tip ~~to the passage of the current between the ends of the two wires~~

~~followed by replacement of the probe with a grooved biopsy needle or any other cutting device of identical size and length through the same metal sheath to cut the target tissue for biopsy without the need to introduce through a different orifice.~~

3. (amended) ~~The~~ A diagnostic cylindrical probe according to claim 1 has introduced through the body to detect the impedance of target tissue, comprising:

an electrical circuit to detect the electrical impedance ~~composed of;~~

a pointed piercing ~~sensor at its tip~~ electrically isolated from the probe by a transverse insulator to detect the electrical impedance of the target tissue;

a first wire running inside the body of the probe with one of its terminals at the tip of the probe and the other terminal connected to an electrical impedance monitor; and

a second wire connecting the electrical impedance monitor to the body of the probe, which ~~will work~~ operates as a neutral isoelectric point;

~~so that~~

wherein the nature of the target tissue is detected by monitoring the electrical impedance ~~exerted by~~ of the tissue surrounding the tip

~~followed by replacement of the probe with a grooved biopsy needle or any other cutting device of identical size and length through the same metal sheath to cut the tissue for biopsy without the need to introduce through a different orifice.~~

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 3736

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Szmaj whose telephone number is (703) 308-3737. The examiner can normally be reached on Monday-Friday, with second Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mary Beth Jones can be reached on (703) 308-3400. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

38

BS

Mary Beth Jones
Acting SPC
UA 3731